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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,243	07/13/2000	Masashi Yahara	CANO:009	5020
7590 02/07/2005			EXAMINER	
Rossi & Associates P O Box 826 Ashburn, VA 20146-0826			QUELER, ADAM M	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/615,243

Applicant(s)

YAHARA, MASASHI

Examiner

Adam M Queler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communications: RCE and Amendment filed 11/09/2004.
2. Claims 1-30 are pending in the case. Claims 1, 8, and 15 are independent claims.
3. The rejections of claims 1-30 in view of the previously cited art are withdrawn in light of the new rejections below.

#### ***Continued Examination Under 37 CFR 1.114***

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/09/2004 has been entered.

#### ***Specification***

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite method claims wherein the limitations are defined as a series of steps. However, the claims do not recite a computer implementation. They are therefore not within the technological arts and are unpatentable for this reason. The is

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rejection could be overcome, by amending the claims to recite "a computer-implemented method."

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. **Claims 3-6, 10-13, and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Independent claims 1, 8 and 15, which are the parent claims of the rejected claims, essentially recite that the priorities indicate a processing order. The dependent claims recite various means of processing "according" to the processing order. The Office submits that the "according" language is broader than the processing order indicated in the independent claims. The Office also submits that the "according" language is no longer necessary due to the amendment to the independent claims, and is indefinite for claiming two different scopes.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchings (US005940813A, patented 8/17/1999), and further in view of**

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<http://www.comp.nus.edu.sg/~xuedamin/programs/204/doc.txt> (published 7/23/2001)

hereinafter Judge.

**Regarding independent claim(s) 1, 8, and 15**, Hutchings discloses a list having records of files with priority codes, which are identifiers with priorities, indicating a processing order. Hutching discloses executing processing according to the processing order (col. 9, ll. 10-29). Hutchings does not teach that the list, or queue, is displayed. Judge teaches displaying the contents of a queue ("public void print"). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Judge and Hutchings, thereby displaying the list of Hutchings. This would have been desirable for debugging purposes ("public void print").

**Regarding dependent claim(s) 2, 9, and 16**, Hutchings and Judge teach that display a list is obvious as recite in claim 1 above. As Hutching teaches the items have priorities as disclosed above, inherently, they would be shown when the list was displayed.

**Regarding dependent claim(s) 3, 10, and 17**, Hutching teaches the files are processed, or integrated in to the system by their priorities (col. 9, ll. 20-22).

**Regarding dependent claim(s) 4, 11 and 18**, Hutching teaches that the files are copied according the their priorities (col. 9, ll. 20-21).

**Regarding dependent claim(s) 5, 12, and 19**, Hutching teaches that the files are moved according the their priorities (col. 9, ll. 20-21).

**Regarding dependent claim(s) 6,13, and 20**, Hutching teaches that the files are sorted according the their priorities (col. 9, ll. 20-21).

**Regarding dependent claim(s) 7, 14 and 21**, Hutching teaches marks, such as "S" (col. 9, ll. 23-24).

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**Regarding dependent claim(s) 22-30**, Official Notice is taken that all the mediums in the instant claims were well-known in the art, and would have been obvious to one of ordinary skill in the art at the time of the invention to use as storage mediums, because of their wide spread acceptance.

***Response to Arguments***

12. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (571) 272-4140. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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